THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21361 of 2007

DATED:09-10-2007

BETWEEN:

Thupalle Subrahmanyam.

..... PETITIONER

AND

The Tahsildar,
Yerpedu,
Yerpedu mandal,
Chittoor District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the impugned notice, dated 22-08-2007, issued by the 1st respondent in Form No.II under Section 3(2) of the A.P.Assigned Lands (Prohibition of Transfers) act, 1977 (for brevity, 'the Act') seeking to evict the petitioner from the land admeasuring Ac.0.50 cents in Sy.No.134.25 and 0.06 cents in Sy.No.134.14A of Yerpedu village, Yerpedu mandal, Chittoor District, as illegal and arbitrary.

3. It is the case of the petitioner that his maternal uncle purchased the said property in 1955 and thereafter, the said property has been transferred in favour of the petitioner by way of settlement deed, dated 17-06-1983, and thereafter, the petitioner is in continuous possession and enjoyment of the said property. While so, the 1st respondent-Tashildar, Yerpadu mandal, Chittoor District issued a notice in Form.II under Section 3(2) of the Act stating that the land of an extent of Ac.0.98 cents in Sy.No.134.25, situated at Yerpedu village was assigned in favour of one Geepalam Krishnaiah but the said land has been transferred in contravention of the provisions of sub-Section 2 of Section 3 of the Act and accordingly petitioner was called upon to submit an explanation within fifteen days as to why the said land shall not be

resumed to the Government. Petitioner questions the said show cause notice, dated 22-08-2007, said to have been received by him on 01-10-2007.

4. It is stated that the petitioner submitted a representation, dated 03-10-2007, to furnish the extract of proceedings, dated 19-07-1985, and certain other documents as he questions the said show cause notice. It is stated that when the petitioner is called upon to submit explanation it is for him to submit explanation and if any order goes against him it is apealable under Section 4-A (1) of the Act. Therefore, I am not inclined to admit the Writ Petition questioning the show cause notice.

5. Accordingly, Writ Petition is dismissed giving ten days time to the petitioner to submit his explanation. There shall be no order as to costs.

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V.ESWARAIAH,J

09th October, 2007.
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